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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,832	10/05/2000	Giadro Serego Allighieri	CM1749	4313

7590 06/30/2003

T David Reed
The Procter & Gamble Company
5299 Spring Grove Avenue
Cincinnati, OH 45217-1087

[REDACTED] EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
1714	9

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/647,832	SEREGO ALLIGHIERI ET AL.	
	Examiner Margaret B. Medley	Art Unit 1714	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>07 April 2003</u> .			
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>16-38</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>16-38</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) <input type="checkbox"/> Other: _____ .	

DETAILED ACTION

This office action is in response to Paper No.8 dated April 7, 2003.

The abstract of the disclosure presented in Paper No. 8 dated April 7, 2003 has been made of record.

In Paper No. 8 dated April 7, 2003 the amendments adding claims 16-38 and canceling claims 1-15 have been entered of record. The pending claims of record are claims 16-38.

Claims 16-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 and 37 are indefinite and confusing for the phrases "and a poly(alkylene glycol) alkyl ether" in line 2 and the formula in line 4 that appear to be in conflict. The pending claims drafted formula being a poly(alkylene glycol)ether appears to be in conflict with the definition for the substitutents of R₃ that appear to encompass not only alkyl ethers, but other ethers as well as esters. Clarification is requested.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-31, 34-36 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Proctor and Gamble WO 97-31093, see abstract, examples 1-6 on pages

21-22 and claims for a disinfecting composition comprising a disinfecting agent comprising proxy bleach and anti-microbial essential oil or active thereof a poly(alkylene glycol)ether a preferred hydrophobic nonionic surfactants and provides for the inclusion of conventional additives used in disinfecting composition that anticipate the instant claims.

Claims 16-20, 21-23, 26-32 , 34-35 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Evers et al; WO 97-42276, see examples 1-11 for teaching non-streaking, disinfecting, hard surface cleaners comprising a hydrophilic non-ionic surfactant that can be a poly(alkylene glycol) alkyl ether and a alcohol for cleaning surfaces that anticipates the instant claims.

Claims 38 is rejected under 35 U.S.C. 102(b) as being clearly by Malik H269, note example 1 of Table 1 for the surfactant⁴, the bridging paragraph of columns 6-7 for the mono-lower alkyl C₁ to C₆ ethers, and the abstract for the liquid disinfectant and/or sanitizer cleaning compositions in the form of aqueous solutions comprising water, a germicidal components and other conventional cleaning additives that anticipates the instant claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor and Gamble WO 97-31093 as applied to claims 16-31, 34-36 and 38 above, and further in view of Romano et al WO 97-25106.

Applicant further claim the disinfecting composition packaged in a spray dispenser or impregnated in a wipe wherein the primary reference is silent to explicit teachings.

Romano teaches disinfecting composition in the form of the primary reference composition packaged in a spray dispenses page 19 and impregnated into wipes the top paragraph of page 20. This teaching suggests to the artisan in the art that the packaging of the liquid composition of the primary reference is a spray dispenser or impregnated into a wipe render instant claim 32 and 33 obvious.

Applicant's arguments filed April 7, 2003 have been fully considered but they are not persuasive.

The claims are drafted read on the relied on prior art set forth in the above rejection because the formula as drafted reads on the ether compounds of the prior art having R₁ as being "hydrogen" and R₂ as being "methyl" that is a propoxylated radical

that reads on the prior art. Therefore applicants have not distinguish the instant pending claims from the relied on prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art cited but not applied further teaches disinfecting composition and additives of the same nature as claimed by applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-308-2518. The examiner can normally be reached on Monday-Friday from 7:30 am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Margaret B. Medley
Margaret B. Medley
Primary Examiner
Art Unit 1714

M. B. Medley
June 29, 2003